United Nations E/C.12/2014/SR.20

Economic and Social Council

Distr.: General
15 May 2014

Original: English

Committee on Economic, Social and Cultural Rights

Fifty-second session

Summary record (partial)* of the 20th meeting
Held at the Palais Wilson, Geneva, on Friday, 9 May 2014, at 3 p.m.

Chairperson: Mr. Kedzia

Contents

Consideration of reports

(a) Report submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Czech Republic (continued)

* No summary record was prepared for the rest of the meeting.

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The meeting was called to order at 3 p.m.

Consideration of reports

(a) Reports submitted by States parties in accordance with articles 16 and 17 of the Covenant (*continued*)

Second periodic report of the Czech Republic (continued) (E/C.12/CZE/2; E/C.12/CZE/Q/2 and Add.1; HRI/CORE/CZE/2010)

1. *At the invitation of the Chairperson, the delegation of the Czech Republic took places at the Committee table.*

2. **Ms. Korčák** (Czech Republic) said that human rights instruction was included in the one-year training programme followed by prospective police officers before starting their professional careers. Through the State-run Judicial Academy, judges and prosecutors also received extensive human rights instruction, both at the start of their careers and on an ongoing basis.

3. **Mr. Janeček** (Czech Republic) said that the austerity measures had had only a minor impact on the enjoyment of Covenant rights, with only a slight increase evident in the aggregate indicator of persons at risk of poverty and social exclusion. To mitigate the impact of the measures, and also to prevent abuse of the social security system, non-contributory benefits had been made more targeted and means testing had been introduced to limit certain entitlements. Sickness benefit had been reduced from 72 per cent to 60 per cent for persons unable to work for more than 30 calendar days but was unchanged for shorter periods of ill health. Furthermore, the reduction was offset by other entitlement adjustments. The inflation- and wage-indexation of pensions would revert to the original level at the end of the temporary adjustment period.

4. No major adjustments to labour laws either to increase flexibility or to enhance worker protection had been made since the start of the crisis. Following a loss of orders and reduction in projections, one company had opted to switch its employees to part-time hours, with training offered for the remainder of the working week and wage compensation paid by the Labour Office. However, that option was based on already existing legislation and it was difficult to assess the extent to which it had helped, or might help, to save jobs.

5. Prior to 2013 the gross minimum wage had not been raised for six years. However, income tax adjustments had increased net wages. In addition, the lower minimum wage for young persons and persons with disabilities had been abolished. The ultimate aim was to increase the minimum wage to 40 per cent of the general average wage. The recent increase had been discussed with the relevant tripartite council and agreed by all stakeholders. The reference period for working time was 26 weeks, extendible to 52 weeks on the basis of a collective agreement, in line with the European Union Working Time Directive.

6. Youth unemployment had risen significantly and was a major source of concern. A set of measures, including subsidized internships and targeted programmes financed through the European Social Fund, had been developed to pre-empt and address skills mismatches. Targeted measures were also being used to help unemployed women and older persons. To foster more active and effective implementation of labour policy, capacity-building measures, including an 8 per cent increase in the Labour Office's staff, were also being implemented.

7. The Czech Republic had an extensive set of workplace health and safety regulations. Monitoring compliance was one of the main priorities of the State Labour Inspection Office. A Tripartite Council for Occupational Health and Safety had been established to advise the Government, make proposals and coordinate the State's activities, while the

Labour Code enshrined trade unions' right to be consulted on occupational health and safety matters and to appoint individual workplace representatives. Companies adjudged in inspections to be genuinely safe were formally recognized under the Government-led "safe enterprises" certification programme.

8. **Ms. Baršová** (Czech Republic) said that the principle of equal pay for work of equal value was enshrined in Czech legislation. However, the existence of a gender pay gap was undeniable. Pay disparities were monitored closely by the Czech Statistics Office and detailed in the Government's annual report on gender equality. According to Eurostat, the gender pay gap was around 22 per cent. A slight but insignificant improvement had been observed in recent years. The issue was complex, and was linked to the division of household and childcare responsibilities as well as to gender stereotyping. Awareness-raising was essential to break the stereotypical patterns, and a national campaign to promote equality between men and women was therefore planned.

9. **Mr. Sadi** questioned the State party's assertion that the impact of the austerity measures had been minimal, noting that macro-level figures might hide many micro-level vulnerabilities and hardships and did not, therefore, provide an adequate impact assessment. Specific information about the impact of the measures on unemployment among young persons and women would be appreciated. He would also like to know the results of the targeted measures, such as subsidized internships, that had been adopted to combat youth employment.

10. **Mr. Martynov** asked how the minimum wage compared to the minimum subsistence level following the 2013 increase; whether a specific time frame had been established for the further increases needed to raise the minimum wage to 40 per cent of the average wage; and whether the calculations used to determine the minimum wage were based on individual or household needs.

11. **Ms. Shin** asked what system was used to determine the comparative value of different types of work and whether men had assumed a greater share of household and family responsibilities following the campaign to combat gender stereotyping.

12. **Ms. Bras Gomes** asked for information about the impact of the austerity measures on child poverty. Reiterating Mr. Sadi's doubts as to the limited impact of the measures, and referring to an article published by the European Trade Union Confederation which stated that the social security reforms "would lead to a considerable increase in poverty rates", she expressed concern about the shift to a material needs-based benefits allocation system.

13. **Ms. Cong** (Country Rapporteur) asked whether migrant workers had the right to join trade unions and, if so, to what extent they exercised that right; and whether they faced discrimination in access to housing, given the relatively high rental levels. She would also like information about the informal economy.

14. **Ms. Baršová** (Czech Republic) said that the Government received feedback about the effects of its measures from advisory bodies and organizations representing vulnerable groups and took remedial action whenever any disproportionate impact was identified. However, in the Czech Republic austerity measures had been introduced in 2011 and 2012 only, so their long-term impact was unlikely to be visible as yet. Furthermore, some of the measures, such as the reduction in pension indexation, were merely temporary. The social security reforms needed to be evaluated from a comprehensive rather than an individual benefit-based perspective as cuts in one area might be compensated by increased entitlements in another.

15. With regard to methods of determining the comparative value of work, while the principle of fair remuneration existed and specific rules were applied in the public sector, she acknowledged the need to study the issue in greater depth.

16. **Mr. Janeček** (Czech Republic) said that the State party's generally good macro-level figures did not mean that specific micro-level impacts were obscured or ignored. Social assistance and social benefits were one of the priorities for the next period of government, and the problems experienced by young persons would remain a particular priority. Since the measures to combat youth unemployment had been implemented only recently, data attesting to their effectiveness were not yet available. It was important to remember, however, that, for all segments of society, the root cause of the interrelated problems of unemployment and poverty was not the country's social security system or the austerity measures, but the global economic situation.

17. The minimum wage was indexed to the minimum living income standards used to set eligibility thresholds for social benefits. Although the 2013 increase in the minimum wage was lower than the rise in minimum living income, when combined with the effect of tax adjustments, the real wage increase was significantly more generous.

18. **Ms. Baršová** (Czech Republic) said that the campaign to combat gender stereotyping had been launched in 2014 only and it was too soon to assess its impact. The problem was closely linked to the accessibility of childcare and other facilities as well as to the gender pay gap. The tendency was for the higher-wage earner, usually the father, to remain in work while the other parent stayed at home to care for children, and, with increasing frequency, ageing parents also. For that reason a central aim of the campaign had been to promote greater burden-sharing by changing attitudes and patterns of behaviour and encouraging fathers to spend more time with their families. The campaign was supported by efforts to reduce the shortage of affordable care options for preschool children, which also served to sustain the gender imbalance.

19. Gender-based and domestic violence had come to be understood as a serious problem in Czech society only relatively recently. The first national action plan to address such violence had covered the period from 2011 to 2014. The initial plan had undoubtedly increased awareness, knowledge and understanding of the phenomenon, finding that about 90 per cent of victims were women, with children involved as either victims or witnesses in around 80 per cent of cases. A follow-up plan was currently in the drafting stage.

20. Alongside the awareness-raising and information-gathering activities, the national action plan had also provided for the establishment of regional assistance centres where victims could receive immediate support and shelter, including, where necessary, in a secret location. In addition to funding victim assistance, in recognition of the root causes of the problem, in 2012 the Ministry of the Interior had also supported seven NGO projects targeting not the victims but the perpetrators. The Government was considering ratifying the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention), but had not yet taken any definitive action.

21. **Mr. Štěpáník** (Czech Republic) said that rates of domestic violence were decreasing in the Czech Republic. The police could ban perpetrators of domestic violence from the home and its immediate surroundings for 10 days. The courts could then ban them for one month, and that period could be extended for up to one year if the victim initiated judicial proceedings.

22. **Ms. Grabmüllerová** (Czech Republic) said that social housing initiatives included the construction of new low-rent housing specifically for vulnerable groups as well as a general rental housing programme under which two thirds of newly subsidized housing was also set aside for specific target groups. Housing for the Roma was provided as part of a broader, integrated approach that also focused on education and job creation for the Roma.

Since 2011 the Government had switched the focus of its housing strategy from homeownership to the rental sector. National law set out an exhaustive list of valid grounds on which tenants could be evicted and stipulated that they must be given three months' written notice and be informed about the reason for the eviction and about their right to appeal the eviction in court. The Government subsidized a tenants' association that aimed to establish centres offering free information and legal counselling in all large cities. National law was fully in accordance with the Committee's general comment No. 7, and adequate measures were in force, including control mechanisms to monitor evictions and guarantee non-discrimination. The Government was preparing a new bill on social housing that would set out clear standards in that regard.

23. **Mr. Janeček** (Czech Republic) said that there were currently about 30,000 homeless persons and about 100,000 persons living in unsuitable housing in the Czech Republic. The main factors leading to homelessness included a history of social exclusion, substance abuse, mental disability and a criminal record. Indebtedness combined with other factors was a common cause of homelessness.

24. **Ms. Baršová** (Czech Republic) said that the Human Rights Department was actively participating in the drafting of the new bill on social housing so as to ensure that the bill included a human rights perspective. It was hoped that the bill would be ready by the end of 2014.

25. **Mr. Vymazal** (Czech Republic) said that a new reform of the mental health system provided for deinstitutionalization and the transfer of estab'ishments from remote areas to city centres. The Ministry of Health expected to receive firm support for the reform and was ready to begin its implementation. Since 2000 there had been a large increase in the number of persons receiving outpatient care from mental health establishments, which he believed indicated not an increase in cases of mental illness but rather an increased willingness to seek help.

26. While suicide rates had risen slightly in 2013, overall they had dropped dramatically since the 1970s, thanks in part to improved mental health care and the availability of drugs to treat depression. Migrants from countries outside the European Union were eligible for public health insurance only if they held permanent residency or were employed in the Czech Republic, while their family members remained ineligible. That situation affected about 130,000 persons and should be addressed.

27. The informed, written consent of the patient or legal guardian was required for all hospitalizations or important medical examinations, except in the case of infectious diseases such as tuberculosis. Involuntary hospitalizations of mental health patients must be approved by a court within 24 hours.

28. He did not believe that teenage pregnancy posed a serious problem in the Czech Republic, as the rate had dropped sharply since the 1970s. He recognized the need for more precise statistics in that regard, however. In medical emergencies, patients were treated regardless of whether they had insurance, and the expenses were normally covered by the hospital.

29. **Ms. Baršová** (Czech Republic) said that she was not aware of elderly persons being placed in institutions purely on account of their age, though some did choose to live in accommodation that provided additional services.

30. **Mr. Janeček** (Czech Republic) said that deinstitutionalization and the shift to community-based care was an ongoing process throughout the social services sector and went hand in hand with attempts to improve the quality of social work and build capacity among social workers. In that regard, a bill on social workers was currently being drafted. Many changes were planned to improve the sector, including through new methods of

financing. A workshop on the transformation of institutional care would be held in the coming weeks with the participation of the Office of the United Nations High Commissioner for Human Rights.

31. **Ms. Ravenberg** said that, according to information before the Committee, private health insurance providers sometimes refused coverage to persons they considered to be uninsurable, and in one case a hospital had sued the parents of a premature baby born at the hospital and the court had ordered the parents to pay the equivalent of about 30,000 euros. She asked the delegation to comment on that information.

32. **Mr. Vymazal** (Czech Republic) said that he was not familiar with that particular case but would like to learn more about it. He understood that the issue of eligibility for health insurance could pose a problem and he hoped that improvements would be made to the system.

33. **The Chairperson** reminded the delegation that it could submit additional information in writing within 48 hours after the dialogue.

34. **Ms. Baršová** (Czech Republic) said that in 2013 the Vietnamese community had expressed its desire to be recognized as a national minority and had been officially invited to participate in the Government Council for National Minorities, thereby becoming the fourteenth national minority to be represented in the Council. The Vietnamese had begun migrating to Czechoslovakia in the 1950s as part of work exchange and vocational training programmes established between the two socialist countries. They had quickly adapted to their new surroundings and had integrated into society and prospered. About 29,000 Vietnamese had been counted during the latest census.

35. The Council's terms of reference were contained in the Minorities Act of 2001, and it was intended to facilitate the participation of minorities in decision-making on issues concerning them. The Council comprised 32 members, 18 of whom were members of national minority groups while the remainder were representatives of various government bodies and institutions. Some of the larger national minorities, such as the Polish and Slovak minorities, were allowed to nominate two representatives. The Council met several times per year, and its duties included distributing grants for various projects such as the printing of publications in minority languages. It submitted comprehensive annual reports to the Government on the status of minorities in the country overall and in particular areas. Its reports to the Council of Europe were available for consultation in English.

36. **Ms. Růžková** (Czech Republic) said that, although inclusive education raised difficulties, the Government recognized that it was in the best interests of the child; therefore, schools were obliged to accept all children. However, in practice, not all establishments had the necessary equipment or skilled staff to cater to students with disabilities, partly because schools enjoyed a high degree of autonomy with little accountability to the authorities, staff were not trained to identify special needs and the Government spent less than 5 per cent of gross domestic product on education. Nevertheless, there were currently 70 inclusive schools countrywide and, thanks to European funding, the objective was to reach 1,500 by 2020.

37. In that connection, a new education policy had been designed on the basis of broad consultations and would be submitted to Parliament in June 2014. One billion euros would be allocated to achieving equal access to high-quality preschool, primary and secondary education, especially in areas with higher rates of social exclusion, improving teacher training and introducing new diagnostic tools. Efforts regarding children with disabilities would focus on providing them with more counselling and support throughout their education and assisting their transition from school to the real world. Grants would no longer go to schools but directly to the families themselves. Lastly, steps would also be

taken to change the attitudes of all actors towards inclusive education by gathering best practices and establishing a partnership with the media.

38. **Ms. Baršová** (Czech Republic) said that, in practice, minority-language schools existed only for Poles living in the border area adjoining Poland, although some schools offered bilingual Czech-German instruction. The Government did not view minority-language schools as problematic because the students were bilingual. Furthermore, minority-language schools could only be set up at the request of a given minority that reached a minimum size and density.

39. The education sector was traditionally quite segmented, with women occupying more teaching posts at the primary level than at the secondary or post-secondary levels. Women made up 60 per cent of the university student body and 40 per cent of doctoral candidates; however, very few studied in technical fields. The Academy of Sciences had lodged a complaint with the Public Defender of Rights that women researchers were disadvantaged by the Grant Agency's rules because of their family obligations. The Public Defender had concurred and the Agency had since changed how it awarded grants.

40. **Ms. Shin** asked whether the Government had set an annual target for transforming specialized schools into inclusive schools and, if not, why it did not consider that necessary.

41. **Mr. Marchán Romero**, referring to paragraph 10 of the core document, asked why there was no systematic monitoring or data collection for the Roma given that they were the most distinctive minority in the country.

42. **Ms. Cong** requested information on access to education by the children of asylum seekers and refugees.

43. **Ms. Baršová** (Czech Republic) said that the authorities did not have a comprehensive picture of the Roma community because, under Czech law, individuals were free to choose whether or not to declare their ethnicity in the census and they could also choose more than one.

44. **Ms. Růžková** (Czech Republic) said that children of asylum seekers attended mainstream schools and were entitled to grants if necessary. There was an end target for the establishment of inclusive schools but no interim targets. Local strategic education plans had been formulated, based on a methodology developed by the Agency for Social Inclusion, to ensure all children access to mainstream schools.

45. **The Chairperson**, speaking as a Committee member, asked whether and how the State party ensured that persons who had difficulty accessing information and communication technologies were not being left behind in an increasingly digitalized world.

46. **Ms. Růžková** (Czech Republic) said that European Union funds would be allocated to expanding the Internet network based on the recent mapping by the Ministry of Industry and Trade of areas without broadband. In the light of the digitalization of education, it was especially important for children to have access to online resources.

47. **Ms. Baršová** (Czech Republic) said that her delegation welcomed the additional issues that the Committee had brought to its attention and that the Government would continue its efforts to uphold economic, social and cultural rights.

48. **Ms. Cong** expressed her appreciation for the quality of the delegation's replies, which had made for a fruitful dialogue, as well as her hope that the State party would implement the Committee's concluding observations.

49. **The Chairperson** commended the State party on the frankness and focus of the documents it had submitted to the Committee and on the composition of the delegation. It

was appreciated and useful when States parties not only highlighted their achievements but also admitted to problem areas.

The discussion covered in the summary record ended at 5.25 p.m.